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RUEHCH/AMEMBASSY CHISINAU 0005
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RUEHLJ/AMEMBASSY LJUBLJANA 0007
RUEHPG/AMEMBASSY PRAGUE 0026
RUEHSN/AMEMBASSY SAN SALVADOR 0012
RUEHVJ/AMEMBASSY SARAJEVO 0008
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RUEHSQ/AMEMBASSY SKOPJE 0008
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RUEHSV/AMEMBASSY SUVA 0007
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SUBJECT: U.S.-IRAQ STATUS OF FORCES AGREEMENT NEGOTIATIONS:
ROUND ONE PRODUCTIVE

Classified By: Political-Military Minister-Counselor Marcie Ries for re
asons 1.4 (b) and (d).

¶1. (S) SUMMARY: The United States and Iraq held their first round of negotiations of a status of forces agreement (SOFA) March 23 through April 3 in Baghdad. This agreement is designed to provide a foundation for a long-term military to military relationship between the United States and Iraq. While the negotiating text is similar to SOFAs the United States has with other countries around the world, it also would provide the needed temporary authorities to conduct combat and security detention operations after the expiration of the UN Security Council mandate. The negotiations were cordial and professional. While the issues involved are complex, the Iraqis appear prepared to work with us to bring these negotiations to a successful conclusion. Negotiations are scheduled to resume in Baghdad on April 22. END SUMMARY.

¶2. (S) A U.S. interagency delegation, led by Ambassador Robert Loftis and including representatives from OSD (Policy and Office of the General Counsel), JCS (J-5 and Legal Counsel), USCENTCOM, MNF-I, State Department (NEA, L/AN and L/PM), the Embassy (POL/MIL), and the NSC staff met with Iraqi counterparts in Baghdad March 23 through April 3 to begin working on a status of forces agreement. The Iraqi team is led by the MFA and includes representatives from the Prime Minister's office, the Ministry of Defense, the offices of the Vice Presidents, National Security Advisor's office, Ministry of the Interior, Ministry of Justice, and office of the Minister of State for National Security. The Iraqis have asked that the names, titles, and affiliations of the Iraqi delegation not be publicized for security reasons.

¶3. (S) This session was primarily exploratory in nature. The Iraqis had reviewed the draft text over the previous week and had a number of questions, comments and preliminary counterproposals. The two teams conducted an article by article discussion of the text, using the U.S. draft as the

reference point. There were no particular surprises in the Iraqis' questions and comments, which mirrored in many ways other recent SOFA negotiations: property ownership, jurisdiction over U.S. forces and civilian personnel; respect for local laws and customs, possible rent for use of facilities, etc.

¶4. (S) Discussion of the three attachments focused primarily on the authority to conduct combat operations and security detentions, with less time on the question of jurisdiction over certain DOD contractors. (The delegation also provided the Iraqis with the separate draft agreement to address non-DOD contractors in the same manner as DOD contractors.) On the first two issues, the question was not over whether such authorities were necessary but how to characterize them and how broad they should be, with the Iraqis arguing in favor of narrower grants of authority.

¶5. (S) Based on the discussions early in the week, the U.S. delegation provided a slightly revised version of the text that sought to address some of the Iraqis' points. The talks were adjourned on April 3, and are scheduled to resume again on April 22 in Baghdad.

¶6. (S) COMMENT: This first extensive discussion of the draft SOFA was a serious and workman-like affair. The Iraqis had prepared for the negotiations by examining other U.S. SOFAs, and were familiar with most of the concepts. While there is a great deal of work ahead, this was a promising start. END COMMENT.

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